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2 Nevada Bar No. 003062
3 FREEMAN & ASSOCIATES
4 1060 Wigwam Parkway
5 Henderson, Nevada 89074
6 (702) 309-3333
7 Attorneys for Defendants
8 City of North Las Vegas, Chief Forti,
9 Capt. Noahr, Chief/Assistant Chief Chronister,
10 Sgt. J. Campbell, Classification Counselor McCafferty
11 Lt. Dave Powell, Classification Technician Priscilla Tenuta
12 Sgt. Giarmo, Lt. Woolman, Correctional Officer Mote

8 **UNITED STATES DISTRICT COURT**

9 **STATE OF NEVADA**

10 * * * * *

11 SERGIO MORALES, as Special Administrator) Case No.:2:10-cv-2171-JCM-VCF
12 and as the father and Heir of the Estate of)
13 SERGIO HUGO MORALES-PAREDES,)
14 deceased,)
15 Plaintiff,)
16 vs.)
17 CITY OF NORTH LAS VEGAS; CHIEF FORTI;)
18 CAPT. NOAHR; CHIEF/ASSISTANT CHIEF)
19 JOSEPH CHRONISTER; LT. POWELL; SGT.)
20 ROGERS; SGT. J. CAMPBELL;)
21 CLASSIFICATION COUNSELOR McCAFFERTY;)
22 PRESCELLA TENUTA P1376,)
23 CLASSIFICATION TECHNICIAN; SGT.)
24 GIARMO; LT. WOOLMAN; CORRECTIONAL)
25 OFFICER MOTE; DOES V-X inclusive; and)
26 ROES I-X, inclusive,)
27 Defendants.)
28

12 **STIPULATION AND PROTECTIVE
13 ORDER**

22 Plaintiff Sergio Morales, as Special Administrator and as the father and Heir of the
23 Estate of Sergio Hugo Morales-Paredes, by and through his counsel of record, Cal J. Potter,
24 III, Esq. and Defendants City of North Las Vegas, Former Chief of Police Joseph Forti, Chief
25 of Police Joseph Chronister, Captain Dave Noahr, Former Lt. Dave Powell, Sgt. J. Campbell,
26 Classification Counselor McCafferty, Prescella Tenuta, Sgt. Giarmo, Lt. Wooman, and
27 Correctional Officer Mote, by and through their attorney, Robert W. Freeman, Esq., agree
28 and stipulate as follows:

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47 Henderson, Nevada 89074
48 Telephone (702) 309-3333

52 07 SEP 2012

1 1. The parties enter into this Stipulation and Protective Order under Federal
2 Rule of Civil Procedure 26(c) to establish procedures for the handling of documents
3 produced by the parties in response to discovery requests from the parties.

4 2. Any party may designate and mark certain documents produced in response
5 to discovery requests as "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER." The party
6 designating such documents shall be referred to as the Designating Party and any party in
7 receipt of such documents shall be referred to as the Receiving Party. Documents so
8 marked may be used only for purposes of this litigation.

9 3. Except as otherwise ordered by this Court, documents marked
10 "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" and the contents of documents so
11 marked may be disclosed only to employees or agents of the City of North Las Vegas or the
12 City of North Las Vegas Police Department, and the following persons:

13 (a) counsel of record for Plaintiff;
14 (b) counsel of record for Defendants;
15 (c) the non-technical and clerical staff employed by counsel of record;
16 (d) interpreters and copying services employed by counsel of record's
17 employer to the extent reasonably necessary to render professional
18 services in this case;
19 (e) any private court reporter retained by counsel for depositions in this
20 case;
21 (f) subject to the terms of paragraph 5, persons retained by counsel to
22 serve as expert witnesses or consultants in this case; and
23 (g) personnel of the Court, including court reporters, officials and
24 employees of the Clerk of Court, and staff of the presiding United
25 States District Judge and United States Magistrate Judge, to the
26 extent deemed necessary by the Court.

27 4. If counsel for a Receiving Party determines that it is necessary to disclose
28

1 any document marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" to any
2 persons other than the individuals included in paragraph 3, that counsel shall set forth the
3 grounds for the disclosure and seek the written consent of counsel for the Designating
4 Party. The Designating Party shall respond to the Receiving Party's request within seven
5 calendar days unless the Receiving Party agrees to a longer period. If counsel for the
6 Designating Party does not consent, counsel for the Receiving Party and counsel for the
7 Designating Party shall within five court days of the Designating Party's response meet and
8 confer in person or telephonically regarding the issue, during which meeting and
9 conference counsel for the Receiving Party shall specify the reasons why disclosure is
10 necessary. If any agreement is not reached, the Designating Party shall move the Court
11 within the ten calendar days of the meeting and conference for a protective order
12 preventing disclosure. The Receiving Party shall not disclose the document unless the
13 Designating Party has failed to file a motion within the time allowed or the Court has
14 denied the motion.

15 5. If counsel for the Receiving Party determines that it is necessary to disclose
16 any document marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" to an expert
17 or consultants retained to render professional services in this case, that counsel shall notify
18 counsel for the Designating Party in writing at least seven days before the proposed
19 disclosure with the name of the expert or consultant. The Designating Party shall respond
20 to the Receiving Party's notification within seven calendar days unless the Receiving Party
21 agrees to a longer period. If counsel for the Designating Party objects, counsel for the
22 Receiving Party and counsel for the Designating Party shall within five court days of the
23 Designating Party's response meet and confer in person or telephonically regarding the
24 issue. If an agreement is not reached, the Designating Party shall move the court within
25 ten calendar days of the meeting and conference for a protective order preventing
26 disclosure. The Receiving Party shall not disclose the document unless the Designating
27 Party has failed to file a motion within the time allowed or the Court denies the motion.

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1 6. Any party may object to the propriety of the designation of documents as
2 "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" by objecting and setting forth in
3 writing the grounds for the objection. The Designating Party shall respond to the Receiving
4 Party's objection within seven calendar days unless the Receiving Party agrees to a longer
5 period. If an agreement is not reached, counsel for the Receiving Party and counsel for the
6 Designating Party shall within five court days of the Designating Party's response meet and
7 confer in person or telephonically, during which meeting and conference counsel for the
8 Receiving Party shall specify the grounds for objection with respect to each document at
9 issue. If the parties cannot agree, then the Designating Party will then have ten calendar
10 days after the conference of counsel to file a motion to preserve the confidentiality
11 designation. The burden of proof to demonstrate confidential treatment of any information
12 at all times remain with the Designating Party. The parties shall treat the documents as
13 the subject to this Stipulation and Order unless the Designating Party has failed to file a
14 motion within the time allowed or the Court has denied the motion.

15 7. Before disclosing any document marked "CONFIDENTIAL" or "SUBJECT TO
16 PROTECTIVE ORDER" to any person identified in subparagraph (c) of paragraph 3, counsel
17 of record for the Receiving Party shall advise that person of the terms of this Stipulation
18 and Protective Order and that he or she is bound by those terms. In addition, before
19 disclosing any document marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER"
20 to any person identified in subparagraphs (d), (e), or (f) of paragraph 3, counsel for the
21 Receiving Party shall ensure that the person (1) has read and agrees to the terms of this
22 Protective Order and (2) has acknowledged his or her agreement by signing a copy of the
23 attached Acknowledgment before any such document is disclosed to him or her:

ACKNOWLEDGMENT

25 I have read the Stipulation and Protective Order Governing
26 Documents Produced by the Parties in this case. I understand
27 its terms and agree to be bound by the terms of the Protective

1 Order. I understand that my duties under the Protective Order
2 will survive the termination of this case and that failure to
3 comply with its terms may result in the District Court
4 imposing sanctions on me. I consent to personal jurisdiction of
5 the United States District Court for the District of Nevada for
6 the purpose of enforcing the Protective Order.

7 8. Counsel for each party shall retain copies of the Acknowledgment forms
8 executed by persons authorized for access on behalf of that party until this litigation,
9 including all appeals, concludes. Nothing in this Protective Order restricts the Designation
10 Party's own disclosure of documents marked "CONFIDENTIAL" or "SUBJECT TO
11 PROTECTIVE ORDER."

12 9. Any person receiving access to a document marked "CONFIDENTIAL" or
13 "SUBJECT TO PROTECTIVE ORDER" shall maintain the document, any copies of the
14 document, and any information derived from the document in a confidential manner and
15 shall take steps to avoid disclosure to persons not authorized under this Order to have
16 access to the documents or information.

17 10. Within thirty days of the conclusion of this litigation, including all appeals,
18 counsel for the Receiving Party shall destroy or send to counsel for the Designating Party
19 all copies of documents marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER."
20 Notwithstanding this paragraph, however, the parties' attorneys may retain one copy of
21 each document filed with the Court that contains or refers to any of the designated
22 documents. Furthermore, nothing in this paragraph shall be construed to require the
23 parties' attorneys to disclose any attorney work-product to opposing counsel.

24 11. In connection with a deposition in this case, a witness or any counsel may
25 indicate that a question or answer refers to the content of a document marked
26 "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER." If the indication occurs on the
27 record during the deposition, all persons not authorized to review such documents shall

1 leave the deposition room until completion of the answers referring to the document and
2 the reporter shall mark the transcript of the designated testimony "CONFIDENTIAL" or
3 "SUBJECT TO PROTECTIVE ORDER."

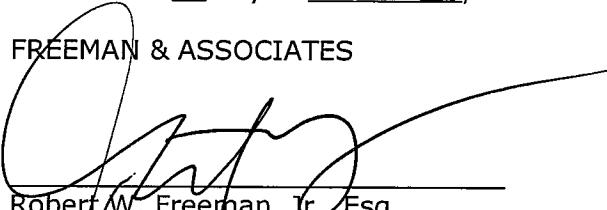
4 ~~12. If any party wishes to submit into the written record of this case any~~
5 ~~document marked "CONFIDENTIAL" or "SUBJECT TO PROTECTIVE ORDER" or excerpts from~~
6 ~~any such document, that party shall seek to submit the document under seal.~~

7 13. Nothing in this Stipulation and Protective Order prevents any party from
8 challenging any assertion of privilege by any party, and nothing in this Stipulation and
9 Protective Order constitutes a waiver of any assertion of privilege by any party or
10 precludes any party from moving for consideration of information *ex parte* and *in camera*.

11 14. Anyone found to be in violation of this Order may have sanctions imposed
12 against him or her as the Court may determine and allowable under law and may also be
13 subject to contempt of court proceedings.

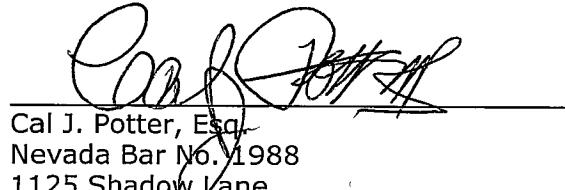
14 DATED this 2 day of October, 2012.

15 FREEMAN & ASSOCIATES

16 
17 Robert W. Freeman, Jr., Esq.
18 Nevada Bar No. 3062
19 1060 Wigwam Parkway
20 Henderson, Nevada 89074
21 Attorney for Defendants
22 City of North Las Vegas, Chief Forti,
Capt. Noahr, Chief/Assistant Chief
Chronister, Sgt. J. Campbell, and
Classification Counselor McCafferty

14 DATED this 1 day of Oct., 2012.

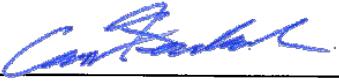
15 POTTER LAW OFFICES

16 
17 Cal J. Potter, Esq.
18 Nevada Bar No. 1988
19 1125 Shadow Lane
20 Las Vegas, Nevada 89102
21 Attorney for Plaintiff
22 Sergio Morales

23 **ORDER**

24 IT IS SO ORDERED.

25 4th October
26 Dated this _____ Jay of _____, 2012.

27 
28 CAM FERENBACH
UNITED STATES MAGISTRATE JUDGE

ACKNOWLEDGMENT

I, _____, have read the foregoing **STIPULATION AND
PROTECTIVE ORDER** and state as follows:

1. I am a qualified person pursuant to Paragraph 3;
2. I agree to the receipt of confidential information; and
3. I agree to follow the terms and conditions of said Stipulation and Order for Protective Order as to the confidentiality of any and all documents so marked.

Dated this _____ day of _____, 20____.

Sign Name: _____

Print Name: _____

SUBSCRIBED and SWORN to before me
this _____ day of _____, 2012.

NOTARY PUBLIC